SHIP TO CHANGE THE SHIPS

IN RE: PETITION FOR SPECIAL HEARING N/S North River Drive 39.47 ft.

E of c/l Yale Road 6912 North River Drive 15th Election District 5th Councilmanic District Joseph W. McGraw, Jr., et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 96-22-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing filed, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (BCZR), Section 517.1 of the Building Code and Section 26-670(2)(3) of the Baltimore County Code. The Petition is filed by Joseph W. McGraw, Jr. and Marlene R. McGraw, his wife, owners of the subject property known as 6912 North River Drive. Approval is requested of this Zoning Commissioner to maintain the first floor elevation of an existing dwelling of 10.35 ft. and a proposed addition thereto (including a garage). Existing standards require a first floor elevation of 11.20 ft.

Appearing at the requisite public hearing held for this case was Joseph W. McGraw, Jr., property owner. There were no Protestants, interested persons, or representatives of any County agency present.

Mr. McGraw testified that he is a professional land surveyor and owns the subject property. He produced a site plan (Petitioners' Exhibit No. 1) which depicts the subject property and area. That site plan shows that the subject site is approximately .43 acres in area and is zoned D.R.5.5. This is a waterfront property which abuts Byrd River in eastern Baltimore Apparently, Mr. McGraw has resided thereon for three years. County. Presently, the site is improved with an existing framed single family dwelling, a wood deck, an existing brick patio located on the waterfront side of the property, and an above ground pool and small storage shed.

Mr. McGraw testified that the house is quite small and additional living space is required for him and his family. Thus, an addition to the dwelling is proposed. As shown on the site plan, the addition will be on three sides of the house. In addition to more living area, an attached garage is also proposed. All setbacks are being maintained from property lines and no zoning relief is required, per se, in order to construct the addition.

Mr. McGraw also testified that the house was existing when he purchased the property. He believed that the previous owner had constructed the dwelling, after a fire had severely damaged an older dwelling that had existed on the property for many years. The first floor elevation of the existing dwelling is 10.35 ft. This is less than required standards from the Department of Public Works (DPW) which mandates a first floor elevation of 11.20 ft. The elevation is required due to the property's proximity to the Byrd River and adjacent tidal and non-tidal wetlands.

Mr. McGraw indicated that strict compliance with the regulation would prevent a significant hardship. Obviously, the existing dwelling is not in compliance, and an addition to any room would mandate installation of a step to increase the elevation as required. Obviously, such construction is improper and illogical and would severely undermine the architectural flow and practical use of the house.

Zoning Plans Advisory Committee (ZAC) comments were also received on this request. The Department of Environmental Protection and Resource Management (DEPRM) suggests compliance with the conditions attached to the administrative variance granted by that agency from Chesapeake Bay Critical Area requirements. The Petitioner produced a copy of DEPRM's variance grant under cover of a letter from J. James Dieter, then Director of

ORDER RECEIVED FOR FILING
Date
By
A-Fort

17 3 2 2

DEPRM, dated May 1, 1995. I will condition the grant of the relief provided in this case to compliance with DEPRM's recommendations.

The Office of Planning and Zoning's comment defers to the Department of Public Works (DPW). DPW does not render an opinion on the merits of the request, per se, noting only that the department's requirement as to the required elevation.

Based on the testimony and evidence presented, I am persuaded that the special hearing relief which has been requested should be approved. To require the Petitioner to comply with the regulation is both illogical and impractical. To require the addition to be razed to a greater elevation than the floor level of the existing house makes no sense. Conditioned upon compliance with DEPRM's recommendation, the grant of the relief will not detrimentally affect the surrounding properties or resources and will provide the property owner with reasonable relief.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29 day of August, 1995 that, pursuant to the Petition for Special Hearing, approval to maintain the first floor elevation of an existing dwelling of 10.35 ft. and a proposed addition thereto (including a garage), pursuant to Section 500.6 of the Baltimore County Zoning Regulations (BCZR), Section 517.1 of the Building Code and Section 26-670(2)(3) of the Baltimore County Code, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 3-

<sup>1.</sup> The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- 2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC) are adopted in their entirety and made a part of this Order.
- 3. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property, including the interior of all buildings thereon, to ensure compliance with this Order.

5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

MICROFILMED

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 25, 1995

Mr. and Mrs. Joseph W. McGraw, Jr. 6912 North River Drive Baltimore, Maryland 21220

RE: Petition for Special Hearing
Joseph W. McGraw, Jr., et ux, Petitioners
Case No. 96-22-SPH
Property: 6912 North River Drive

Dear Mr. and Mrs. McGraw:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

WICROFILMEL





# Petition for Special Hearing 96-22-59H to the Zoning Commissioner of Baltimore County

for the property located at

#6912 North River Drive

which is presently zoned

D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 500.6, BCZR; 517.1, Bldg. Code & 26-670(2)(3), BCC

To maintain the first floor elevation of 10.35 ft. in the existing dwelling and the proposed addition (including garage) in lieu of the 11.20' requirement.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

•	•		and a summy was product purpose to	Title Deliting Carriller De	minioro oddiny,
			I/We do solemnly declare and affirm legal owner(s) of the property which i	, under the penalties of perjury s the subject of this Petition.	, that I/we are the
Contract Purchaser/Lessee:			Legal Owner(s):		<b>7</b> .
(Type or Print Name)		<del></del>	Oseph W. McGr	hyfr.	
Signature	· · · · · · · · · · · · · · · · · · ·		Martine Martine	W	
Address			Marlene R. McG	raw	
City	State	Zipcode	Montana 3	2 Trav	<del></del>
Attorney for Petitioner;			6912 North Riv		ne No.
(Type or Print Name)	<del></del>	<del></del>	Baltimore, Mar City Name, Address and phone number of	State	Zipcode ed.
Signature	· · · · · · · · · · · · · · · · · · ·	·	Joseph W. McGra		D) 335-3352 H
Address	Phone No	),	6912 North Rive		<u>10)44</u> 4-8848 🛂
City	State	Zipcode	ESTIMATED LENGTH OF HEARING	FICE USE ONLY	
		Agricul Administration	the following dates		ext Two Months
	,		REVIEWED BY: 12.7.	DATE 7-18	2.95

175M# 19 96-22-5PH

Zoning Description for #6912 North River Drive Election District 15 Councilmanic District 5

Beginning at a point on the north side of North River Drive which is 30 ft. wide at a distance of 39.47 ft. east of the centerline of the nearest improved intersecting street, Yale Road, which is 40 ft. wide. Thence running S76° 47' 30"W 100 ft., N03° 09'W 198.02 ft., Easterly 98.76 ft., and S03° 09'E 184.20 ft. to the place of beginning as recorded in deed liber 9313, folio 422.

Stall Mest

### HATTER OF HEARING

The Zoning Commissions of Ballimore County, by authority of the Zoning Act and Regulations of Ballimore County will hold a public heating on the property identified herein in Roam or market in Refuse

21304 or line m. 16. Old Courthouse 400 Washington Avenue Towson Maryland 21204 as follows:

Case: #96-22-SPH (Item 19) 6912 North River Road N/S North River Road, 39.47 E of o/L Yale Road 18th Election District 5th Councilmanic

Legal Owner(s): Joseph W. McGraw, Jr. and Mariene H. McGraw Hearing, Monday,

August 21, 1995 at 10:00 a m. in Rm. 118, Old Courthouse

Special Hearing to maintain the first floor elevation of 10.35 feet in the existing dwelling and the proposed addition (Including garage) in fleu of the 11.20 foot requirement.

LAWRENGE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handlcapped Accessible for special accommodations Please Call 887-3853

(2)For Information concerning the File and/or Hearing, Please Call 867-3391 8/069 Aug. 3

## CERTIFICATE OF PUBLICATION

TOWSON, MD.,

weeks, the first publication appearing on

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

Publisher

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOL	D JABLON, DIRECTOR
For newspaper advertising:	
Item No.: 19 Petitioner: JOSEPH W. MEGRAW, JR	MARLENE R. MªGRAZ
Location: 6912 NORTH RIVER D	rive
PLEASE FORWARD ADVERTISING BILL TO:  NAME: JOSEPH V. Mª GRAV, JR.	
ADDRESS: 6912 NORTH RIVER DRIV	15
BALTIMORE, MD. ZIZZO PHONE NUMBER: (410) 335-3352 H (410) 444-8848 W	A STATE TO BUILD

The second of	, · · · -	177	4#19
OFFICE OF FINA	OUNTY, MARYLAND NCE-REVENUE DIVISION US CASH RECEIPT	No.	. 17 22 -SP1
DATE JULY	18, 1995 ACCOUNT A	2-1001-6	
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TRIBUTION TE-CASHIER PINK - AGEN	VALIDATION OR SIGNATUR	E OF CASHIER	

TO: PUTUXENT PUBLISHING COMPANY
August 3, 1995 Issue - Jeffersonian

Please foward billing to:

Joseph W. McGraw, Jr. 6912 North River Drive Baltimore, MD 21220 335-3352

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-22-SPH (Item 19)
6912 North River Road
N/S North River Road, 39.47' E of c/l Yale Road
15th Election District - 5th Councilmanic
Legal Owner(s): Joseph W. McGraw, Jr. and Marlene R. McGraw
HEARING: MONDAY, AUGUST 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to maintain the first floor elevation of 10.35 feet in the existing dwelling and the proposed addition (including garage) in lieu of the 11.20-foot requirement.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
  - (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

July 31, 1995

(410) 887-3353

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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6912 North River Road

N/S North River Road, 39.47' E of c/l Yale Road

15th Election District - 5th Councilmanic

Legal Owner(s): Joseph W. McGraw, Jr. and Marlene R. McGraw

HEARING: MONDAY, AUGUST 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to maintain the first floor elevation of 10.35 feet in the existing dwelling and the proposed addition (including garage) in lieu of the 11.20-foot requirement.

Arnold Jablon

Director

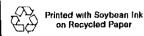
Department of Permits and Development Management

cc: Joseph and Marlene McGraw

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
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111 West Chesapeake Avenue Towson, MD 21204

887-3610

August 8, 1995

Mr. and Mrs. Joseph W. McGraw, Jr. 6912 North River Drive Baltimore, Maryland 21220

RE: Item No.: 19

Case No.: 96-22-X SPH

Petitioner: J. W. McGraw, et ux

Dear Mr. and Mrs. McGraw:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

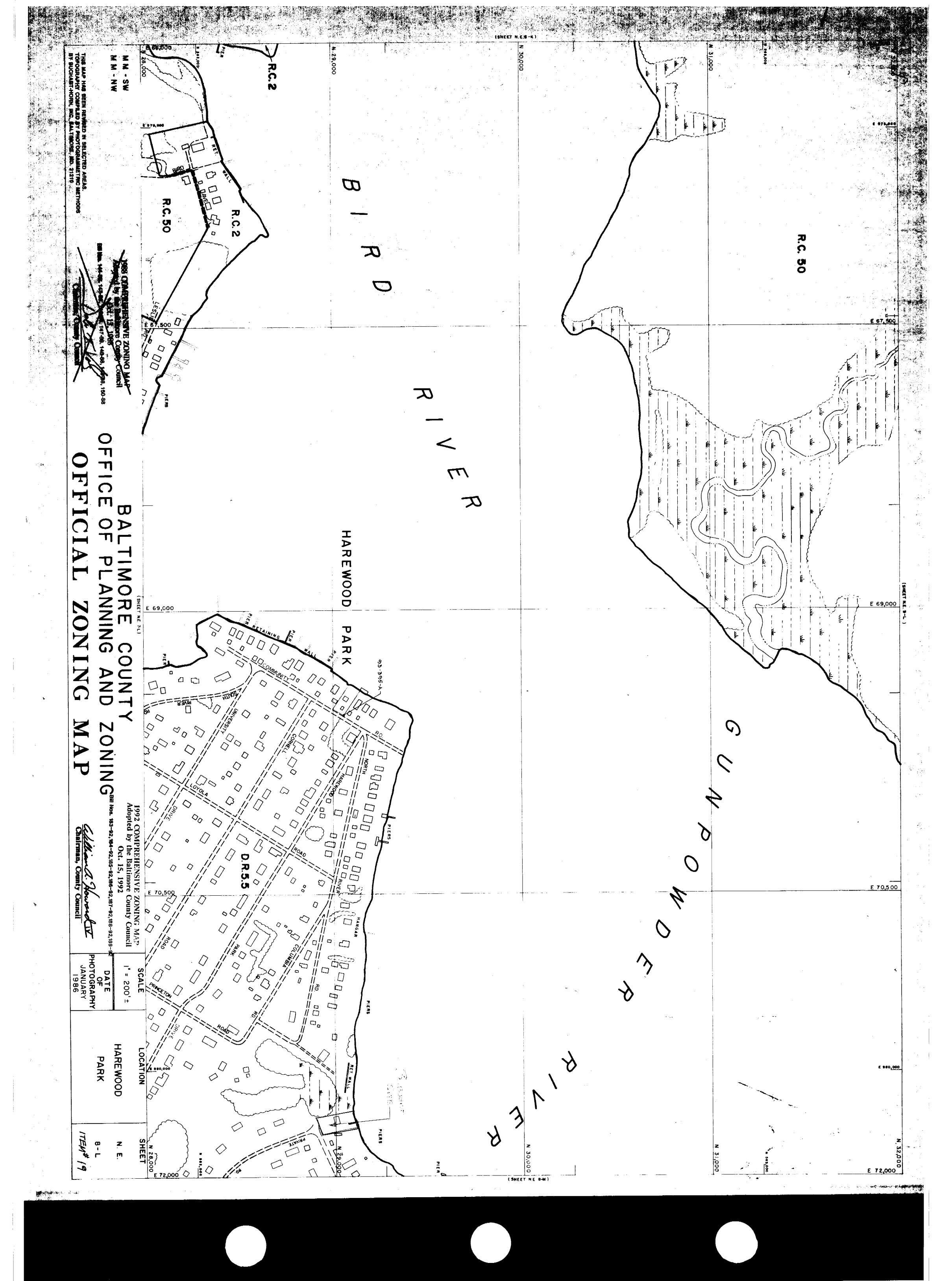
WCR/jw
Attachment(s)

MICROFILMED

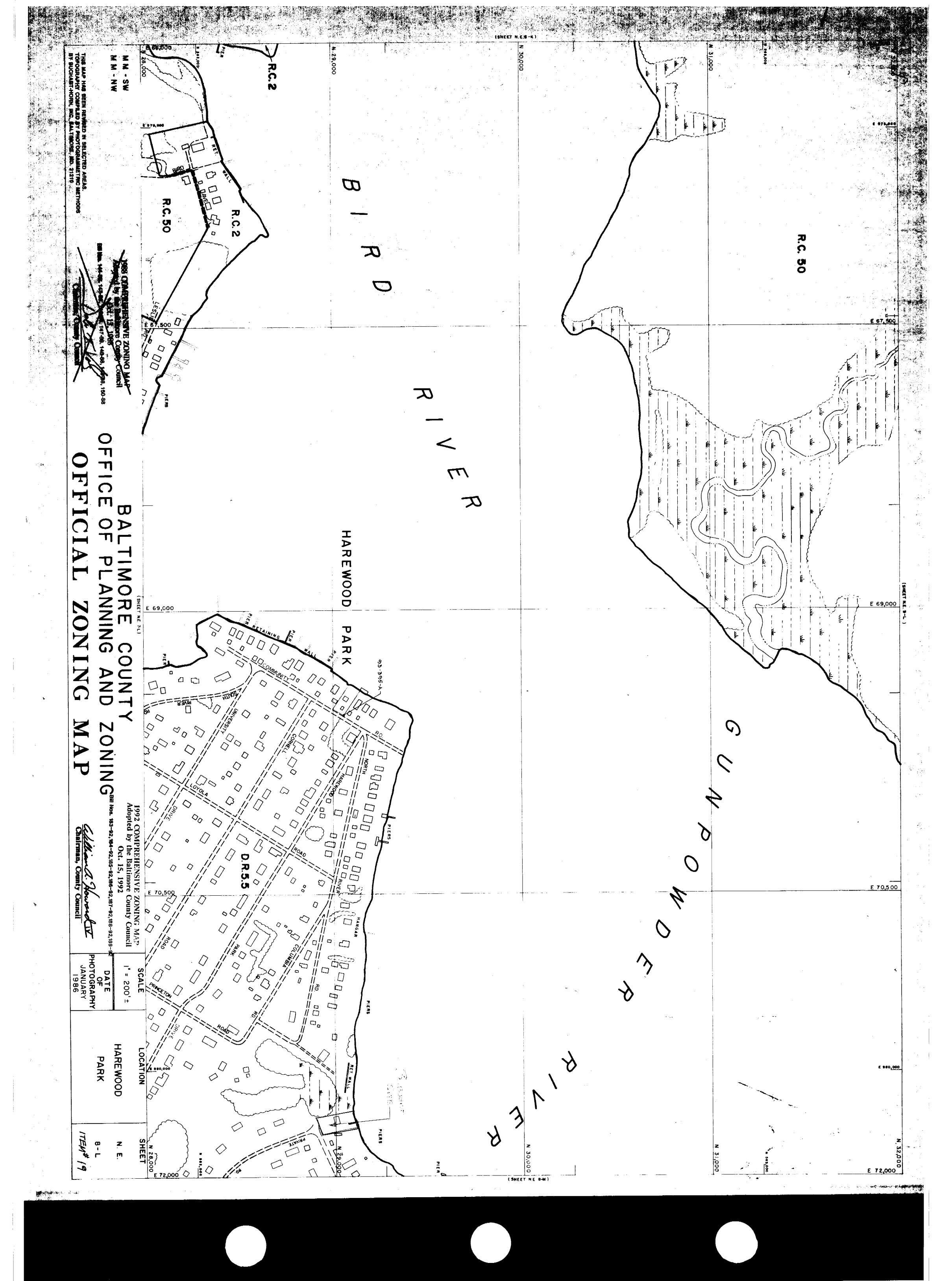
## ZONING DEPARTMENT OF BALTIMORE COUNTY Towns Manifester County

## Towsen, Maryland

District 157	Date of Posting 9/7/95		
Posted for: Special Hooring			
Petitioner: Fosoph & Morlone	McGrow		
Location of property: 6912 N. River R.	4		
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Location of Signer Facility Too dway , &	-n property being round		
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96-22-SPH



96-22-SPH

Joseph W. McGraw, Jr., et ux

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

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- 2-

DEPRM, dated May 1, 1995. I will condition the grant of the relief provided in this case to compliance with DEPRM's recommendations.

The Office of Planning and Zoning's comment defers to the Department of Public Works (DPW). DPW does not render an opinion on the merits of the request, per se, noting only that the department's requirement as to the required elevation.

Based on the testimony and evidence presented, I am persuaded that the special hearing relief which has been requested should be approved. To require the Petitioner to comply with the regulation is both illogical and impractical. To require the addition to be razed to a greater elevation than the floor level of the existing house makes no sense. Conditioned upon compliance with DEPRM's recommendation, the grant of the relief will not detrimentally affect the surrounding properties or resources and will provide the property owner with reasonable relief.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of August, 1995 that, pursuant to the Petition for Special Hearing, approval to maintain the first floor elevation of an existing dwelling of 10.35 ft. and a proposed addition thereto (including a garage), pursuant to Section 500.6 of the Baltimore County Zoning Regulations (BCZR), Section 517.1 of the Building Code and Section 26-670(2)(3) of the Baltimore County Code, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief C & granted:

بنا

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

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5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

- 4-

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Location of Signer Facing 700 dway, on property being round

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn

Posted for: Special Horning

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 25, 1995

Mr. and Mrs. Joseph W. McGraw, Jr. 6912 North River Drive Baltimore, Maryland 21220

> RE: Petition for Special Hearing Joseph W. McGraw, Jr., et ux, Petitioners Case No. 96-22-SPH Property: 6912 North River Drive

Dear Mr. and Mrs. McGraw:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

LES:mmn

Petition for Special Hearing

96-22-59H

to the Zoning Commissioner of Baltimore Country for the property located at #6912 North River Drive

which is presently zoned D.R. 5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Battimore County, to determine whether or not the Zoning Commissioner should approve 500.6, BCZR; 517.1, Bldg. Code & 26–670(2)(3), BCC

To maintain the first floor elevation of 10.35 ft. in the existing dwelling and the proposed addition (including garage) in lieu of the 11.20' requirement.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	Whe do solemnly declare and affirm, under the penables of peryury, that live a legal owner(s) of the property which is the subject of this Petbon.
d Purchaser/Lessee	Lagal Owner(s)
	Joseph W. McGraw Tr.
r Print Namel	Type of Property All In Inches
re	Chipper 1
	Marlene R. McGraw
	Modera Ballow
State Zpcode	Signature
	6912 North River Drive
y for Petitioner	Address Phone No.
Die Noon	Baltimore, Maryland 21220

Joseph W. McGraw, Jr. 6912 North River Drive (410)444-8848 V

EVIEWED BY: P.T. DATE 7-18-95

ITEM# 19

96-22-5PH

Zoning Description for #6912 North River Drive Election District 15 Councilmanic District 5

Beginning at a point on the north side of North River Drive which is 30 ft. wide at a distance of 39.47 ft. east of the centerline of the nearest improved intersecting street, Yale Road, which is 40 ft. wide. Thence running S76 47' 30"W 100 ft., NO3 09'W 198.02 ft., Easterly 98.75 ft., and S03 09'E 184.20 ft. to the place of beginning as recorded in deed liber 9313, folio 422.

NOTICE OF HEARING

e proposed addison (includ g garage) in lieu of the 1.20-foot requirement.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_/\_ 

THE JEFFERSONIAN.

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

) / BA C009:45AH07-19-95

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

Printed with Soybean Ink on Recycled Paper

(410) 887-3353

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

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## PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising: Petitioner: JOSEPH W. MEGRAW, JR & MARLENE R. MEGRAW Location: 6912 NORTH RIVER DRIVE PLEASE FORWARD ADVERTISING BILL TO: NAME: JOSEPH W. Mª GRAW, JR. ADDRESS: 6912 LORTH RIVER DRIVE BALTIMORE, M.D. ZIZZO PHONE NUMBER: (410) 335-3352 H (410) 144-8848 W AJ:ggs (Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY August 3, 1995 Issue - Jeffersonian

Please foward billing to:

Joseph W. McGraw, Jr. 6912 North River Drive Baltimore, MD 21220 335-3352

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Special Hearing to maintain the first floor elevation of 10.35 feet in the existing dwelling and the proposed addition (including garage) in lieu of the 11.20-foot requirement.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management



(410) 887-3353

111 West Chesapeake Avenue

July 31, 1995

Towson, MD 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avanue in Towoon, Maryland 21204

Room 112, Old Courthouse, 400 Washington Evenue, Towson, Maryland 21204 as follows:

NOTICE OF HEARING

CASE NUMBER: 96-22-SPH (Item 19) 6912 North River Road N/S North River Road, 39.47' E of c/l Yale Road 15th Election District - 5th Councilmanic Legal Owner(s): Joseph W. McGraw, Jr. and Marlene R. McGraw HEARING: MONDAY, AUGUST 21, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Special Hearing to maintain the first floor elevation of 10.35 feet in the existing dwelling and the proposed addition (including garage) in lieu of the 11.20-foot requirement.

Department of Permits and Development Management

cc: Joseph and Marlene McGraw

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEAPINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink.

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue Towson, MD 21204

887-3610

August 8, 1995

Mr. and Mrs. Joseph W. McGraw, Jr. 6912 North River Drive Baltimore, Maryland 21220

> RE: Item No.: 19 Case No.: 96-22-¥ 5₽H Petitioner: J. W. McGraw, et ux

Dear Mr. and Mrs. McGraw:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Zoning Supervisor

WCR/jw Attachment(s) BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: August 3, 1995 FROM: Pat Keller, Director, OPZ A

SUBJECT: 6912 North River Drive

INFORMATION: Item Number:

Petitioner: Property Size:

The applicant requests a Special Hearing which seeks approval to maintain the first floor elevation of 10.35 ft. for the existing dwelling and the proposed addition in lieu of the 11.20 ft. requirement.

Based upon a review of the information provided, staff defers to the position of DEPRM in this matter.

Division Chief: Camb less

BALTIMORE COUNTY, MARYLAND

TO: Arnold Jablon, Director DATE: August 7, 1995 Zoning Administration and Development Management

INTEROFFICE COFRESPONDENCE

FPOM Development Plan Peview Division

FE: Zoning Advisory Committee Meeting for August 7. 1995 Item No. 019

The Development Plan Review Division has reviewed the subject soning item. In all cases the lowest floor of any building must be elevated I foot above the 100-year frequency tidal elevation as defined by the Federal Emergency Management Agency, Flood Insurance Administration's Flood Insurance Study.

PWB: 8W

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 07/31/95

Arnold Jabion Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 31. 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 17, 18, 10, 20, 21, 22, 23, 24, 25 AND 27.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

ZADM

ITEM19/PZONE/TXTJWL

David L. Winstead Secretary Hal Kassoff Administrator

7-28-95

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County Item No. 019 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Ronald Burns, Chief **Engineering Access Permits** 

My telephone number is \_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL

PROTECTION AND RESOURCE MANAGEMENT

NOTICE OF GRANTING OF VARIANCE

6912 North River Drive

The Baltimore County Department of Environmental Protection and

Resource Management, pursuant to Section 26-445(c) of the Baltimore County

Code, hereby gives notice that a variance from Section 26-449 of the Code,

Chesapeake Bay Critical Area Requirements, will be granted for the purpose

of constructing an addition to an existing house within the 100 foot tidal

buffer on the above referenced property. Any person or persons, jointly or

severally, or any taxpayer aggrieved or feeling aggrieved by this decision,

may appeal to the Baltimore County Board of Appeals within forty-five (45)

days from the date of this notice. Appeals must be made in writing, stating

the reason for appeal, and must be mailed to Environmental Impact Review,

Baltimore County Department of Environmental Protection and Resource

Management, 401 Bosley Avenue, Suite 416, Towson, Maryland 21204. All

appeals must be accompanied by a check for \$75.00 payable to Baltimore.

LEGAL OWNER: Joseph and Marlene McGraw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

August 8, 1995

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson

Development Coordinator, DEPRM SUBJECT: Zoning Item #19 - McGraw Property

6912 North River Drive Zoning Advisory Committee Meeting of July 31, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the conditions of the Chesapeake Bay Critical Area administrative variance granted by this Department on July 14, 1995

JLP:GS:sp

PERMITS

MCGRAW/DEPRM/TXTSBP

TEM# 19

15.01.07

AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/13/95 DATE: 07/18/95 APPROVALS DETAIL SCREEN FRH PERMIT #: 8240038 PASSWORD

10 ALR-1ST 05 7/3-SUBST IMPROMITTRY VAR. OF 1' REQUIT 06/29/95 01 JEL/VEC PUB SERV 07/10/95 20 RT/LCS/FLOOD ZONE A 07/12/95 01 ANE/CBCA-7/12RL

01 THRU 09 INDICATES AN "APPROVAL" \*\* 10 THRU 99 INDICATES A "DISAPPROVAL" ------ENTER - NEXT APPROVAL FF4 - ISSUE FERMIT PF9 - SAVE CLEAR - MENU

Department of Permits and Licenses

Baltimore County Government

111 West Chesapeake Avenue Towson, MD 21204

July 13, 1995

RESPOND TO: 887-3987 887-3985

/TEM# 19

887-3610

Joseph McGraw, Jr. 6912 North River Drive. Baltimore, MD 21220

> Re: PERMIT#: B240068/MRFP DISTRICT: 15 PRECINCT:06 LOCATION: 6912 North River Dr\_ve.

L. RETTEW -"05" COMMENTS - PLANS REVIEW-PHONE -887-3987-887-3985

THE FOLLOWING COMMENTS REQUIRE REVISED PLANS, OR, WHEN PERMISSIBLE, A LETTER FROM THE DESIGNER OF RECORD INDICATING HOW THE PROBLEMS WILL BE CORRECTED. PLANS OR LETTERS SHALL BE SENT TO THIS OFFICE: " BUILDING PLANS REVIEW DIVISION/FERMITS AND LICENSES, "ROOM 120, 111 WEST CHESAPEAKE AVENUE, TOWSON, MD 21204. COMMENTS FROM OTHER DEPARTMENTS OR AGENCIES SHALL BE RESOLVED DIRECTLY WITH THOSE DEPARTMENTS OR AGENCIES. THANK YOU.

1. Thank you for your revised plans and information. The concept of "substantial improvement" is that the value of the house will be increased by at least 50%. Therefore, while the materials cost is less than 50% of the house value, the equivalent cost of labor must also be considered, as well as the fact that the proposed work is more than twice the square footage of the existing house. However, since the existing first floor is above the 100 year flood plain, yet not the one foot above required by County Codes, we suggest that you contact Zoning above a variance to waive the extra one foot elevation requirement for the existing first floor as well as the proposed first floor. During my absence, you can contact John Reisinger, Buildings Engineer, at 887-3610.

THIS REVIEW COVERS ONLY MAJOR CODE REQUIREMENTS. THE LAW REQUIRES COMPLIANCE WITH ALL CODE PROVISIONS, WHETHER POINTED OUT BY THE REVIEW

cc:Plans Review, Inspection Folder, Pile, Owner: same as above Filer: same as above

Revised: 5/89

Baltimore County Department of Environmental Protection and Resource Management

Office of the Director 401 Bosley Avenue, Suite 416 Towson, Maryland 21204 (410) 887-3733 Fax: (410) 887-4804

May 1, 1995

Mr. and Mrs. Joseph McGraw 6912 North River Drive Baltimore, Maryland 21220

95.41.135 15168 1.163. •

Re: 6912 North River Drive Critical Area Administrative Variance

Dear Mr. and Mrs. McGraw:

The Department of Environmental Protection and Resource Management (DEPRM) has received your variance request to construct a 1,584 square foot addition and second story addition in the 100 foot tidal buffer to Bird River. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. The size and shape of the lot in relation to the location of the tidal waters as well as the fact that the proposed buffer disturbance is an addition to an existing house create special conditions such that literal enforcement of the regulations would result in unwarranted hardship.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Variance requests involving similar structures and circumstances have previously been granted by this Department. Therefore, literal enforcement of the regulations (ie., variance denial) would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or structures within the Critical Area. As previously stated, similar lands and structures which have been the subject of similar variance requests were granted their respective variances. Therefore, granting this variance will not confer upon you any special privilege that would be denied to other, similar properties.

Mr. and Mrs. Joseph McGraw May 1, 1995 Page 3

A revised plot plan incorporating conditions 2 through 4 above as well as the enclosed note regarding buffer disturbance must be submitted to this Department prior to final variance approval.

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手的证 [1]3

Please sign the statement below and then return a copy of the Certificate of Publication, the revised plot plan, and the letter to this Department C/O Ms. Patricia M. Farr of Environmental Impact Review. Failure to return a signed copy of this letter and the other two items may result in delays in processing of permits or other development plans for the subject property, and/or may render this variance null and void.

If you have questions regarding this project, please contact Mr. Glenn E. Shaffer at (410) 887-3980.

Sincerely,

JJD/GES/tmm

Enclosures

c: Ms. Lisa A. Hoerger, CBCA Commission Ms. Patricia M. Farr

I/WE HAVE READ AND AGREE TO IMPLEMENT THE ABOVE REQUIREMENTS TO BRING MY/OUR PROPERTY INTO COMPLIANCE WITH CHESAPEAKE BAY CRITICAL AREA REGULATIONS.

RE: PETITION FOR SPECIAL HEARING PEFORE THE 6912 North River Drive, N/S North River Drive, 39.47' E of c/l Yale koad ZONING COMMISSIONER 15th Election District, 5th Councilmanic OF BALTIMORE COUNTY Joseph W. and Marlene R. McGraw, Jr. Petitioners

ENTRY OF APPEARANCE

\* \* \* \* \* \* \* \* \* \* \* \*

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> PETER MAX ZIMMERMAN People's Counsel for Baltimore County Deputy People's Counsel Room 47, Courthouse

400 Washington Avenue Towson, MD 21204 (410) 887-2188

T HEREBY CERTIFY that on this \_\_\_\_\_ day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Joseph W. and Marlene R. McGraw, Jr., 6912 North River Drive, Baltimore, MD 21220, Petitioners.

> AUS 14 taas DEPT. OF PERMITS & LIGENSES OF BALTIMONI GOU IFY

MCGRAW/DEPRM/WQCBCA

County Government.

